

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

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Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Hagerstown and Myersville, MD
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MB Docket No. 05-04

To: The Chief, Media Bureau

COMMENTS AND STATEMENT OF INTENTION

NASSAU BROADCASTING, III, L.L.C. ("Nassau"), pursuant to Section 1.415(a) of the Commission's Rules, 47 C.F.R. § 1.415(a), hereby expresses its interest in and support for the Commission's proposal to relocate Channel 295B from Hagerstown, Maryland to Myersville, Maryland, as set forth in its Notice of Proposed Rulemaking, DA 05-28, released January 10, 2005.¹

I. Background

Manning Broadcasting, Inc. ("Manning") proposed the relocation of Channel 295B from Hagerstown to Myersville as the latter community's first local transmission service.² In its Petition for Rulemaking, Manning pledged to apply for the channel and to construct its facilities if there application were granted.³ Manning currently operates radio station WARX(FM) on Channel 295B.⁴

¹ The Notice of Proposed Rulemaking set March 3, 2005 as the date for filing of comments in support of the proposal, Id., at ¶ 7, so that these comments are timely filed.

² Id., at ¶ 1.

³ Id.

⁴ Id.

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On December 30, 2004, Manning and Nassau filed an application with the Commission for assignment of the authorizations for the Station to Nassau. See File No. BALH-20041230ABU. On February 25, 2005, the Commission approved the assignment of the Station's license to Nassau.⁵ The parties expect to consummate the assignment of license in the near future.

II. Affirmation of Interest

Nassau affirms that if the proposed rule change is adopted and Channel 295B is relocated to Myersville from Hagerstown, Nassau will file an application for Channel 295B, and will construct the facilities if its application is granted.

Respectfully submitted,

NASSAU BROADCASTING III, L.L.C.

By: 

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Its Counsel

Dated: March 1, 2005

⁵ According to the Commission's CDBS record system, public notice of the approval of the assignment of the license will appear on Public Notice, Report No. 45932, to be released March 2, 2005.

CERTIFICATE OF SERVICE

I, Eugenia Delgado, a secretary with the law firm Patton Boggs LLP, do hereby certify that the foregoing "Comments and Statement of Intention" was served on the individual listed below by First Class U.S. Mail this 1st day of March, 2005.

Veronica D. McLaughlin Tippet
Shaw Pittman
1650 Tysons Blvd.
McLean, VA 22102-4859

A handwritten signature in black ink, appearing to be 'ED', written over a horizontal line.

Eugenia Delgado